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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

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on 11/23/2005Signature Christopher A. WiklofTyped or printed name Christopher A. Wiklof

Application Number

09/788,628

Filed

Feb. 14, 2001

First Named Inventor

Wiklof, Christopher A.

Art Unit

2144

Examiner

Nguyen, Thanh T.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

- ☒ attorney or agent of record. 43,990
Registration number

- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34

Signature

Christopher A. Wiklof

Typed or printed name

425-415-6641

Telephone number

11/22/2005

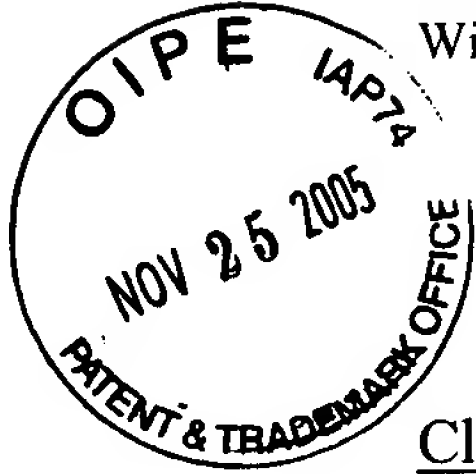
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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PRE-APPEAL BRIEF REASONS FOR ALLOWABILITY

Claim Status: Claims 1-6, 11-13, and 16-26 are pending. All claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Philyaw et al. (6,745,234) in view of Nerlikar (5,629,981).

Claims 1-6, 11-12 rejected under 35 U.S.C. § 103(a) as being unpatentable over Philyaw et. al (6,745,234) in view of Nerlikar (5,629,981)

Neither Philyaw nor Nerlikar to disclose “parsing a company identifier from [read] data,” as recited by claim 1. The applicant can find no mention in either reference of data from a bar code or RF tag containing a company identifier that could be parsed. Philyaw apparently deals with bar code data as a unit with no mention of parsable components, the bar code data unit being referred to as “the ‘link’ to a product,” “product information,” “product identifier”, and the like (e.g. at C:15, L:66 – C:16, L:4). Nerlikar apparently does not disclose its RF tags as containing product or company identifiers. Accordingly, neither Philyaw or Nerlikar, alone or in combination, discloses all the limitations of claim 1, and claim 1 should be ruled allowable.

Additionally, the examiner has not shown Philyaw or Nerlikar to disclose “accessing a web site having a URL associated with said company identifier,” as recited by claim 1. Nerlikar apparently does not disclose accessing a web site based on read data. Philyaw discloses accessing a URL corresponding to an Advertiser Reference Server (ARS), the URL being retrieved from a “wand application program” or “program operating on the PC.” (e.g. at C:16, L:4-6). The bar code data is then transmitted to the ARS, rather than being parsed or being used to determine a URL to access. The URL corresponding to the ARS does not correspond to a “company identifier” parsed from the read data as recited by claim 1. Indeed, Philyaw states (C:16, L:12-16): “The bar code 1606 by itself is incompatible with any kind of network for the purposes of communication therewith...the information contained in the bar code 1606, by itself, does not allow for anything other than identification of a product.” Thus, it may be seen that Philyaw teaches away from parsing a company identifier from a bar code to access a URL.

Claims 2-6 and 11-12 depend from claim 1 and are therefore allowable for at least the reasons given for claim 1.

Additionally, neither Philyaw or Nerlikar disclose “parsing an item identifier from said data” as recited by claim 2, and claim 2 is allowable for at least this additional reason.

Claims 3 and 4 depend from claim 2 and are also allowable for at least this additional reason.

Additionally, neither Philyaw or Nerlikar disclose that “said web site is also associated with said item identifier” as recited by claim 3, and claim 3 is allowable for at least this additional reason.

Additionally, neither Philyaw or Nerlikar disclose “accessing a link on said web site associated with said item identifier” as recited by claim 4, and claim 4 is allowable for at least this additional reason.

Neither Philyaw or Nerlikar disclose that the accessed “URL comprises said company identifier” as recited by claim 11, and claim 11 is allowable for at least this additional reason.

Neither Philyaw or Nerlikar disclose that “said company identifier comprises a company prefix” as recited by claim 12, and claim 12 is allowable for at least this additional reason.

Claims 13, 16-19 rejected under 35 U.S.C. § 103(a) as being unpatentable over Philyaw et. al (6,745,234) in view of Nerlikar (5,629,981)

Neither Philyaw or Nerlikar, alone or in combination, disclose “reading an RF tag containing data” and “calling a URL” “wherein at least a portion of said URL comprises at least a portion of said data” as recited by claim 13. As explained above, Philyaw discloses calling a URL to an ARS, the URL being retrieved from computer memory and not dependant upon data from the read bar code. Claim 13 is thus allowable for at least this reason.

Claims 16-19 depend from claim 13 and are also allowable for at least this reason.

Additionally, neither Philyaw or Nerlikar, alone or in combination, disclose that “said data [read from an RF tag] comprises a UCC company identifier and a UCC item identifier” as recited by claim 16. The applicant cannot find any instance where Philyaw

or Nerlikar mention a UCC data structure, much less components of that data structure. Claim 16 is thus allowable for at least this additional reason.

Claims 17 and 18 depend from claim 16 and are also allowable for at least this additional reason.

Neither Philyaw or Nerlikar, alone or in combination, disclose that the accessed “URL comprises a UCC company identifier and a UCC item identifier” as recited by claim 17, and claim 17 is allowable for at least this additional reason.

Claim 18 depends from claim 17 and is also allowable for at least this additional reason.

Neither Philyaw or Nerlikar, alone or in combination, disclose that the accessed URL comprises “www.”company identifier”.com/“item identifier”” as recited by claim 18, and claim 18 is allowable for at least this additional reason.

Additionally, neither Philyaw or Nerlikar, alone or in combination, disclose that “company identifier” comprises a number assigned by the uniform code council and said “item identifier” comprises a number assigned by a manufacturer as recited by claim 18, and claim 18 is allowable for at least this additional reason.

Neither Philyaw or Nerlikar, alone or in combination, discloses “entering at least a portion of said [read] data in the URL line of said browser” as recited by claim 19. Philyaw apparently loads the read data in a data packet that is transmitted to the ARS rather than entered as a portion of the URL used to connect to the ARS (see Figs 18, 19; C:18, L: 60-C:19, L:27) Thus, and claim 19 is allowable for at least this additional reason.

Claims 20-24 rejected under 35 U.S.C. § 103(a) as being unpatentable over Philyaw et. al (6,745,234) in view of Nerlikar (5,629,981)

The examiner has not shown Philyaw or Nerlikar, alone or in combination, to disclose “prepending a first character sequence to [read] data” as recited by claim 20. Additionally, the examiner has not shown Philyaw or Nerlikar, alone or in combination, to disclose “attempting to access a web site having a URL comprising said prepended character sequence and said data” [read from an RF Tag] as recited by claim 20. As described above, Philyaw accesses an ARS using its URL, which is retrieve from

computer memory by an application. Nerlikar apparently does not access a URL corresponding to read data either. Thus, claim 20 is allowable for at least this reason.

Claims 21-24 depend from claim 20 and are therefore also allowable for at least this reason.

The examiner has not shown Philyaw or Nerlikar, alone or in combination, to disclose either “prepending a second character sequence to said data”, or “attempting to access a web site having a URL comprising said prepended second character sequence and said data”, both of which are recited by claim 21. Thus claim 21 is allowable for at least these additional reasons.

The examiner has not shown Philyaw or Nerlikar, alone or in combination, to disclose either “appending a first domain to said data” or “attempting to access a web site having a URL comprising said prepended character sequence, said data, and said first domain” as recited by claim 22, and claim 22 is allowable for at least this additional reason.

Claims 23-24 depend from claim 22 and are both allowable for at least this additional reason.

The examiner has not shown Philyaw or Nerlikar, alone or in combination, to disclose either “appending a second domain to said data” or “attempting to access a web site having a URL comprising said prepended character sequence, said data, and said second domain”, both of which are recited by claim 23. Claim 23 is thus allowable for at least this additional reason.

The examiner has not shown Philyaw or Nerlikar, alone or in combination, to disclose that “said first character sequence and said first domain are automatically selected from among a plurality of character sequences and domains held in computer memory” as recited by claim 24. Claim 24 is thus allowable for at least this additional reason.

Claim 25 rejected under 35 U.S.C. § 103(a) as being unpatentable over Philyaw et. al (6,745,234) in view of Nerlikar (5,629,981)

The examiner has not shown Philyaw or Nerlikar, alone or in combination, to disclose “parsing a manufacturer’s code from [a] query” as recited by claim 25. The method described by claim 25 corresponds most closely to a look-up procedure that

occurs in the Philyaw's ARS. Philyaw does not disclose any parsing of read data included in a query. Rather, Philyaw discloses, in conjunction with Fig. 21, "The ARS database 310 has a database structure 2100 which contains addresses for the web sites containing the product information requested by the user when scanning the bar code 1606." (C:20, L:13-16) Furthermore, Philyaw states: "the bar code 1606 of a particular product is associated with a unique URL address which routes any request for information of that product to that particular advertiser's site." Thus it may be seen that Philyaw treats bar code data as a unit, i.e. as a bar code of a "particular product." This is inconsistent with "parsing a manufacturer's code from [a] query" as recited by claim 25. Claim 25 is thus allowable for at least this reason.

Additionally, The examiner has not shown Philyaw or Nerlikar, alone or in combination, to disclose "looking up a manufacturer's URL associated with said manufacturer's code in a database of URLs" and "redirecting said query to said manufacturer's URL", both of which are recited by claim 25. Rather, Philyaw's ARS, as explained above, looks up a URL associated with a complete bar code symbol. Furthermore, Philyaw's ARS responds to the querying PC by returning routing information to an advertiser's web site. (C: 20, L: 21-24; C: 19, L: 23-26; Figs. 19, 21) As admitted by Philyaw at C:20, L:49-51, "A user wishing to obtain information about a specific soft drink may, in fact, trigger an advertising response of a competitor product." Clearly, this is not "redirecting said query to said manufacturer's URL" as recited by claim 25. Thus claim 25 is allowable for at least these additional reasons.

Claim 26 rejected under 35 U.S.C. § 103(a) as being unpatentable over Philyaw et. al (6,745,234) in view of Nerlikar (5,629,981)

The examiner has not shown Philyaw or Nerlikar, alone or in combination, to disclose a memory electrically connected to a microprocessor containing "computer readable instructions for sequentially prepending said plurality of character sequences to [read] data", as recited by claim 26. Furthermore, as described above, the examiner has not shown Philyaw or Nerlikar, alone or in combination, to disclose attempting to connect to URLs corresponding to said character sequences," as recited by claim 26. The applicant cannot find reference to such acts in either Philyaw or Nerlikar. Thus, claim 26 is allowable for at least these reasons.